



The specification of which

## **United States Patent Application**

## **DECLARATION UNDER 37 C.F.R. § 1.63**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PACKET PROCESSOR** 

applicable) (in the case of	tuary 14, 2000 as Application of a PCT-filed application) decy], which I have reviewed as	escribed and claimed in int	ernational no. filed and as
I hereby state that I have claims, as amended by a	e reviewed and understand the ny amendment referred to ab	e contents of the above-ide pove.	entified specification, including th
	to disclose information which , Code of Federal Regulation		
application(s) for patent application for patent or which priority is claimed	1:	d below and have also ider	
	have been filed as follows:		· · · · · · · · · · · · · · · · · · ·
	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER 35	USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL F	OREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY A	PPLICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
international application is not disclosed in the pr United States Code, § 12 of Federal Regulations, or PCT international fili	ior United States application 12, I acknowledge the duty to	as the subject matter of each in the manner provided by disclose material informative of the filing date of the	ch of the claims of this application y the first paragraph of Title 35, ation as defined in Title 37, Code prior application and the national

DATE OF FILING (Day, Month, Year)

application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER

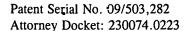
Patent Serial No. 09/503,282 Attorney Docket: 230074.0223

Please direct all correspondence in this case to Ted R. Rittmaster, Esq. at the address indicated below:

## Foley & Lardner 2029 Century Park East – Suite 3500 Los Angeles, CA 90067-3021

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor 204:				Date:		



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## $\S 1.56$ Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.